

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) Case No. CR-09-21-M
)
JOHN CHARLES FLETCHER,)
)
Defendant.)

ORDER

Before the Court is defendant's Motion to Quash Indictment. The government has filed its response. Based upon the parties' submissions, the Court makes its determination.

Defendant moves to quash the Indictment in this case because the transcript of Grand Jury proceedings, while representing on the cover page that they occurred on January 21, 2009, one day before the Indictment was returned on January 22, 2009, is certified by the court reporter to the effect that the testimony was not taken until April 7, 2009. Defendant contends that the Indictment in this case should be quashed because the certification page should trump the uncertified cover page, and, thus, the transcript reflects that the Indictment preceded the Grand Jury proceedings necessary to produce an indictment.

Attached to the government's response is an affidavit of Raquel Mathis, the court reporter who recorded and transcribed the Grand Jury proceedings at issue. In her affidavit, Ms. Mathis states "I inadvertently put on the certificate page 'taken on April 7th, 2009', it should read 'taken on January 21st, 2009'."

Having carefully reviewed the parties' submissions, the Court finds that the date on the certification page was a scrivener's error and that the Grand Jury proceedings actually occurred on January 21, 2009, prior to the Indictment being returned. Additionally, the Court finds that

defendant has not suffered any prejudice as a result of this scrivener's error. Accordingly, the Court DENIES defendant's Motion to Quash Indictment [docket no. 381].

IT IS SO ORDERED this 23rd day of July, 2009.



VICKI MILES-LaGRANGE
CHIEF UNITED STATES DISTRICT JUDGE